

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

GOLDIE MAE JACK : **DOCKET NO. 09-CV-0961**
VS. : **JUDGE MINALDI**
CVS PHARMACY : **MAGISTRATE JUDGE KAY**

REPORT AND RECOMMENDATION

On August 24, 2010, a scheduling conference was conducted in the above referenced matter. At that time, counsel for defendant indicated to the court that he was unable to contact *pro se* plaintiff, Goldie Mae Jack. The court set a new scheduling conference date of September 23, 2010, and ordered the clerk of court to mail a copy of the minutes and attachments to plaintiff advising her of the new scheduling conference date. Plaintiff was warned that failure to appear on the date and time set forth for the new scheduling conference could result in dismissal of her claim. (Doc. 28). The record reflects that the clerk mailed a copy of the minutes by certified mail to plaintiff which was returned marked "unclaimed." (Doc. 31). Since that time, the record reflects that plaintiff has failed to make any appearance or abide by the court's order.

Therefore, according to Local Rule 41.3W the undersigned recommends that this case be dismissed for failure to prosecute.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have fourteen (14) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on May 20, 2011.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE